

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

KAREN KREBS,

Plaintiff,

v.

Case No. 2:19-CV-634-JPS

MICHAEL GRAVELEY,
in his official capacity as the District
Attorney of Kenosha County, Wisconsin,

Defendant.

DEFENDANT'S ANSWER AND DEFENSES

Defendant Michael Graveley, in his official capacity as District Attorney of Kenosha County, Wisconsin, by his attorneys, answers Plaintiff's Complaint (Dkt. 1) as follows:

Nature of the Case

1. Defendant DENIES the allegations in this paragraph as stated.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph. As to the second sentence, Defendant ADMITS that Plaintiff contends that Wis. Stat. § 301.47(2)(a) violates the First Amendment to the U.S. Constitution on its face and as applied to Plaintiff but Defendant DENIES the allegations.

As to the third sentence, Defendant ADMITS that Plaintiff seeks injunctive relief and declaratory relief but DENIES that Plaintiff is entitled to any relief.

Jurisdiction and Venue

3. Defendant DENIES the allegations in this paragraph.
4. Defendant DENIES the allegations in this paragraph.
5. Defendant DENIES the allegations in this paragraph.

The Parties

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

7. Defendant ADMITS the allegations in the first and second sentences in this paragraph. Defendant DENIES the allegations in the third sentence of this paragraph .

Relevant Facts

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, including subparagraphs (a) through (c).

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. As to the third sentence, Defendant DENIES the allegations as stated. As to the fourth and fifth sentences, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

COUNT I
42 U.S.C. §1983 – First Amendment

14. Paragraphs 1 through 13 of this Answer are incorporated as if fully set forth herein.

15. Defendant DENIES the allegations in this paragraph.

WHEREFORE CLAUSES

Defendant DENIES the allegations in paragraphs (a) through (d).

Defendant FURTHER DENIES that this is a proper class action under Federal Rule of Civil Procedure 23.

Defendant FURTHER DENIES that Plaintiff is entitled to a trial by jury under either the Constitution or the Federal Rules of Civil Procedure.

DEFENSES

1. Plaintiff lacks standing.
2. Plaintiff's claim is barred by the Eleventh Amendment to the U.S. Constitution.
3. Plaintiff fails to state a claim upon which relief may be granted.
4. Defendant reserves the right to name additional defenses as they may become known through further discovery or otherwise in this action.

WHEREFORE, Defendant demands judgment in his favor and against Plaintiff, dismissing Plaintiff's complaint and granting further relief as the Court deems appropriate under the circumstances.

Dated this 3rd day of July, 2019.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/ Steven C. Kilpatrick
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